

**Table XX**  
**Immigrant and Nonimmigrant Visa Ineligibilities**  
**(by Grounds for Refusal Under the Immigration and Nationality Act)**  
**Fiscal Year 2009**

Grounds for Refusal Under the Immigration and Nationality Act		Immigrant		Nonimmigrant	
		Ineligibility Finding <sup>1</sup>	Ineligibility Overcome <sup>2</sup>	Ineligibility Finding <sup>1</sup>	Ineligibility Overcome <sup>2</sup>
212(a)(1)(A)(i)	Communicable Disease	993	482	214	166
212(a)(1)(A)(ii)	Immigrant lacking required vaccinations	113	103	-	-
212(a)(1)(A)(iii)	Physical or mental disorder	350	78	315	81
212(a)(1)(A)(iv)	Drug Abuser or Addict	2,444	0	215	66
212(a)(2)(A)(i)(I)	Crime Involving Moral Turpitude	1,069	209	5,810	3,173
212(a)(2)(A)(i)(II)	Controlled Substance Violators	382	25	3,543	2,106
212(a)(2)(B)	Multiple Criminal Convictions	80	5	355	121
212(a)(2)(C)(i)	Illicit Trafficker in Any Controlled Substance	342	0	2,127	626
212(a)(2)(C)(ii)	Spouse, Son, or Daughter Who Benefited from Illicit Activities of Trafficker	20	0	380	20
212(a)(2)(D)(i)	Prostitution (within 10 years)	15	3	27	4
212(a)(2)(D)(ii)	Procuring (within 10 years)	11	1	36	10
212(a)(2)(D)(iii)	Unlawful Commercialized Vice	1	0	1	0
212(a)(2)(E)	Asserted immunity to avoid prosecution	0	0	0	0
212(a)(2)(G)	Foreign government officials who have engaged in violations of religious freedom	0	0	0	0
212(a)(2)(H)	Significant traffickers in persons	1	0	5	0
212(a)(2)(I)	Money Laundering	0	0	26	5
212(a)(3)(A)(i)	Espionage, sabotage, technology transfer, etc.	3	0	106	8
212(a)(3)(A)(ii)	Other Unlawful Activity	52	0	48	5
212(a)(3)(A)(iii)	Act to Overthrow U.S. Government	0	0	2	0
212(a)(3)(B)	Terrorist Activities	21	0	449	343
212(a)(3)(C)	Foreign Policy	0	0	1	0
212(a)(3)(D)	Immigrant Membership in Totalitarian Party	17	17	-	-
212(a)(3)(E)(i)	Participants In Nazi Persecutions	0	0	0	0
212(a)(3)(E)(ii)	Participants in Genocide	0	0	0	0
212(a)(3)(E)(iii)	Commission of Acts of Torture or Extrajudicial Killings	0	0	0	0
212(a)(3)(F)	Association with Terrorist Organizations	0	0	0	0
212(a)(3)(G)	Recruitment of Use of Child Soldiers	0	0	0	0
212(a)(4)	Public Charge	9,521	6,140	386	35
212(a)(5)(A)	Labor Certification (immigrants only)	17,678	497	-	-
212(a)(5)(B)	Unqualified Physician (immigrants only)	0	0	-	-
212(a)(5)(C)	Uncertified foreign health-care workers	4	9	2	1
212(a)(6)(B)	Failure to attend removal proceedings	72	0	35	10
212(a)(6)(C)(i)	Misrepresentation	6,187	934	9,083	2,187
212(a)(6)(C)(ii)	Falsely claiming citizenship	659	0	904	233
212(a)(6)(E)	Smugglers	1,461	192	2,025	556
212(a)(6)(F)	Subject of civil penalty (under INA 274C)	3	0	0	0
212(a)(6)(G)	Student visa abusers	1	0	23	6
212(a)(7)(B)	Documentation requirement for nonimmigrants	-	-	57	41
212(a)(8)(A)	Immigrant permanently ineligible for citizenship (IV only)	0	0	-	-
212(a)(8)(B)	Draft evader	0	0	14	13
212(a)(9)(A)(i)	Ordered removed upon arrival	974	188	553	124

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		<b>Ineligibility Finding<sup>1</sup></b>	<b>Ineligibility Overcome<sup>2</sup></b>	<b>Ineligibility Finding<sup>1</sup></b>	<b>Ineligibility Overcome<sup>2</sup></b>
212(a)(9)(A)(i)	Ordered removed upon arrival - multiple removals	79	5	48	11
212(a)(9)(A)(i)	Ordered removed upon arrival - convicted aggravated felony	27	1	31	7
212(a)(9)(A)(ii)	Ordered removed or departed while removal order outstanding	1,129	282	497	213
212(a)(9)(A)(ii)	Ordered removed or departed while removal order outstanding - multiple removals	110	34	101	29
212(a)(9)(A)(ii)	Ordered removed or departed while removal order outstanding - convicted aggravated felony	52	0	73	10
212(a)(9)(B)(i)(I)	Unlawfully present 181-364 days (within 3 years)	423	226	1,079	121
212(a)(9)(B)(i)(II)	Unlawfully present 365 or more days (within 10 years)	24,463	12,358	8,650	871
212(a)(9)(C)	Unlawfully present after previous immigration violations	2,757	0	1,700	117
212(a)(10)(A)	Practicing polygamist (immigrants only)	18	12	-	-
212(a)(10)(C)(i)	International child abductor	0	0	1	0
212(a)(10)(C)(ii)	Aliens supporting abductors and relatives of abductors	0	0	0	0
212(a)(10)(D)	Unlawful voter	1	0	0	0
212(a)(10)(E)	Former U.S. citizen who renounced citizenship to avoid taxation	0	0	0	0
212(e)	Certain former exchange visitors	26	20	42	36
212(f)	Presidential proclamation	5	0	212	12
214(b)	Failure to establish entitlement to nonimmigrant status	-	-	1,257,465	17,552
221(g)	Application does not comply with provisions of INA or regulations issued pursuant thereto	273,227	178,157	616,284	558,895
222(g)(2)	Alien in illegal status, required to apply for new nonimmigrant visa in country of alien's nationality	-	-	116	8
Sec.103 Pub. Law 105-227	Disclosure/trafficking of confidential U.S. business information	0	0	0	0
Sec. 401 Pub. Law 104-114	Helms-Burton refusal	0	0	0	0
Sec. 402 Pub. Law 104-114	Conversion of confiscated U.S. property for gain	0	0	0	0
Sec. 306 Pub. Law 107-173	Inadmissible alien from a country that is a state sponsor of terrorism	0	0	74	4
<b>Total Grounds of Ineligibility:</b>		<b>344,791</b>	<b>199,978</b>	<b>1,913,115</b>	<b>587,826</b>
<b>Number of Applications:<sup>1</sup></b>		<b>296,969</b>	<b>190,185</b>	<b>1,885,017</b>	<b>584,073</b>

The figures at the end of this table show totals of **applications** refused and refusals overcome. The total of applications refused does not necessarily reflect the number of persons refused during the year. One applicant can apply and be found ineligible more than one time in a fiscal year.

<sup>1</sup> The total grounds of ineligibility may exceed the number of applications refused because one applicant may be found ineligible under more than one section of the Immigration and Nationality Act.

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<sup>2</sup> The total of ineligibilities overcome may not necessarily represent the same visa applicants found ineligible and recorded in the total of ineligibility findings. A visa may be refused in one fiscal year and the refusal overcome in a subsequent fiscal year. Each action will be separately recorded as part of the appropriate statistical report for the year in which it occurred. A refusal can be overcome by evidence that the ineligibility does not apply, by approval of a waiver, or by other relief as provided by law.